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PATENT
0760-0305P

THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukoh HIEI et al. Conf.:
Appl. No.: 10/089,695 Group: Unassigned
Filed: April 3, 2002 Examiner: UNASSIGNED
For: METHOD FOR PROMOTING EFFICIENCY OF GENE
TRANSFER INTO PLANT CELLS

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)

Assistant Commissioner for Patents
Washington, DC 20231

June 18, 2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

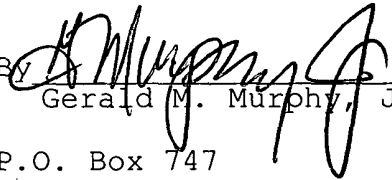
- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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GMM/ETP/bsh
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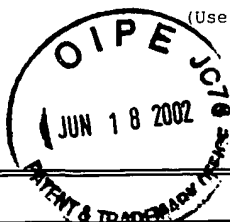
Enclosures: ☒ PTO-1449
☒ Documents
☐ Foreign Search Report
☐ Fee
☐ Other:

(Rev. 10/31/01)

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)


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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	6	2	1	5	0	5	1B1	04/10/2001	Yu et al.			
	5	7	3	1	1	7	9	03/24/1998	Komari et al.			
	6	3	2	9	5	7	1B1	12/11/2001	Hiei			
	6	1	6	2	9	6	5	12/19/2000	Hansen			
	4	9	4	0	8	3	8	07/10/1990	Schilperoort et al.			
	4	6	9	3	9	7	6	09/15/1987	Schilperoort et al.			
	5	5	9	1	6	1	6	01/07/1997	Hiei et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
												YES	NO
	EP	01	59	4	1	8	B1	10/30/1985	EPO				
	JP2000	34	2	2	5	5	A	12/12/2000	Japan (w/Abstract)				
	JP2001	2	9	0	7	5	A	02/06/2001	Japan (w/Abstract)				
	EP	05	04	8	6	9	A2	09/23/1992	EPO				
	EP	06	72	7	5	2	A1	09/20/1995	EPO				
	EP	09	27	7	6	5	A1	07/07/1999	EPO				
	EP	11	36	5	6	0	A1	09/26/2001	EPO				
	EP	01	16	7	1	8	B1	05/16/1990	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Hood et al., <i>Transgenic Research</i> 2, pp.208-218 (1993)
	Watson et al., <i>Journal of Bacteriology</i> , Vol. 123, No. 1, pp.255-264 (July 1975)
	Jefferson, <i>Plant Molecular Biology Reporter</i> , Vol. 5, No. 4, pp.387-405 (1987)
	Toriyama et al., <i>Plant Science</i> , Vol. 41, pp.179-183 (1985)
	Saito et al., <i>Theor Appl Genet</i> , Vol. 83, pp.679-683 (1992)
	Ohta et al., <i>Plant Cell Physiol.</i> , Vol. 31, No. 6, pp.805-813 (1990)

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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					YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Li et al., <i>Nature Biotechnology</i> , Vol. 14, pp.736-740 (June 1996)
	Komari et al., <i>The Plant Journal</i> , Vol. 10, No. 1, pp.165-174 (1996)
	Komari et al., <i>Journal of Bacteriology</i> , Vol. 166, No. 1, pp.88-94 (April 1986)
	Komari, <i>Plant Cell Reports</i> , Vol. 9, pp.303-306 (1990)
	Jin et al., <i>Journal of Bacteriology</i> , Vol. 169, No. 10, pp.4417-4425 (October 1987)
	Hood et al., <i>Bio/Technology</i> , Vol. 2, pp.702-709 (1984)
	Ishida et al., <i>Nature Biotechnology</i> , Vol. 14, pp.745-750 (June 1996)
	Zambryski et al, <u>Ti plasmid vector for the introduction of DNA into plant cells without alteration of their normal regeneration capacity</u> , EHBO, pp.2143-2150 (1983)
	Hoekema et al., <i>Nature</i> , Vol. 303, pp.179-180 (May 1983)
	Hood et al., <i>Journal of Bacteriology</i> , Vol. 168, No. 3, pp.1291-1301 (December 1986)
	Escudero et al., <i>Molecular Biology Protocols</i> , 106, pp.599-602 (1994)
	Xiao et al., <i>Plant Cell Reports</i> , Vol. 16, pp.874-878 (1997)
	Chilton et al., <i>Proc. Nat. Acad. Sci. USA</i> , Vol. 71, No. 9, pp.3672-3676 (September 1974)
	Chih-ching, <i>Plant Tissue Culture</i> , pp.43-50 (August 1978)
	Ditta et al., <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 77, No. 12, pp.7347-7351 (December 1980)
	Fraley et al., <i>Bio/Technology</i> , Vol. 3, pp.629-635 (July 1985)
	Fraley et al., <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 80, pp.4803-4807 (August 1983)
	Hiei et al., <i>The Plant Journal</i> , Vol. 6, No. 2 pp.271-282 (1994)

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Hartman et al., <i>Bio/Technology</i> , Vol. 12, pp.919-923 (September 1994)
	Bidney et al., <i>Plant Molecular Biology</i> , Vol. 18, pp.301-313 (1992)
	Bevan, <i>Nucleic Acids Research</i> , Vol. 12, No. 22, pp.8711-8721 (1984)
	Gelvin et al., <i>Plant Molecular Biology Manual</i> , Kluwar Academic Publishers, (1988)
	Aldemita et al., <i>Planta</i> , Vol. 199, pp.612-617 (1996)
	Visser, <i>Plant Tissue Culture Manual</i> , B5:1-9 (1991)
	McCormick, <i>Plant Tissue Culture Manual</i> , B6:1-9 (1991)
	Lindsey et al., <i>Plant Tissue Culture Manual</i> , B7:1-13 (1991)
	Rogers et al., <i>Methods for Plant Molecular Biology</i> , pp.423-437 (1998)
	Zhong et al., <i>Plant Cell Reports</i> , Vol. 13, pp.1-6 (1993)
	Hood et al., <i>Plant Physiol.</i> , Vol. 83, pp.529-534 (1987)
	Horsch et al., <i>Science</i> , Vol. 227, pp.1229-1231 (March 1985)
	Komari, <i>Theor Appl. Genet</i> , Vol. 80, pp.167-171 (1990)
	Potrykus et al., <i>Theor. Appl. Genet.</i> , Vol. 54, pp.209-214 (1979)
	Komari, <i>Plant Science</i> , Vol. 60, pp.223-229 (1989)
	Komari et al., <i>Molecular Improvement of Cereal Crops</i> , pp.43-82 (1999)
	Murashige et al., <i>Physiologia Plantarum</i> , Vol. 15, pp.473-497 (1962)
	Asano et al., <i>Plant Cell Reports</i> , Vol. 17, pp.963-967 (1998)

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